

MAURINE E. AND HOWARD B.  
PETTIBON

IBLA 79-211

Decided May 22, 1979

Appeal from decision of the Colorado State Office, Bureau of Land Management, rejecting oil and gas lease offer C 27148.

Affirmed.

1. Oil and Gas Leases: Applications: Drawings

When a person files two oil and gas lease offers for a single parcel in the simultaneous oil and gas leasing procedure, as a joint applicant with the spouse, the applicable regulation, 43 CFR 3112.2-1(a)(2), requires rejection of both offers, regardless of the order in which the names of the two spouses are listed on the two cards.

APPEARANCES: Maurine E. and Howard B. Pettibon, pro se.

OPINION BY ADMINISTRATIVE JUDGE FISHMAN

Maurine E. and Howard B. Pettibon have appealed from a decision dated January 24, 1979, by the Colorado State Office, Bureau of Land Management (BLM), rejecting the appellants' drawing entry card for a violation of 43 CFR 3112.2-1(a)(2) which provides that:

An offeror (applicant) is permitted to file only one offer to lease (entry card) for each numbered parcel on the posted list. Submission of more than one entry card by or on behalf of the offeror for any parcel on the posted list will result in the disqualification of all the offers submitted by that applicant for that particular parcel.

The appellants filed two completed drawing entry cards for the parcel in question, CO-946. On one card Howard's name and social security number were entered first, and on the second card, Maurine's

name and social security number appear first. The decision appealed from states that the social security numbers are the same on both cards for each individual.

In their Statement of Reasons appellants point out that their social security numbers were changed upon Howard's retirement and are not in fact the same. (The numbers on the entry cards are 510-03-0428A and 510-03-0428B.) Appellants also assert that the top name on each card is clearly the name to be drawn and the second is only an alternate.

[1] While appellants are correct in the statements they make about their social security numbers, their offer was not rejected for any defect concerning the numbers but rather because two entry cards were filed on the same parcel. As a result of appellants' filings they had an unfair advantage over other applicants by increasing their chances of being awarded the lease. In this situation the regulation mandates the rejection of their offer. See Robert Hickman et ux., 36 IBLA 353 (1978); cf. McKay v. Wahlenmaier, 226 F.2d 35 (D.C. Cir. 1955).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Frederick Fishman  
Administrative Judge

We concur:

Douglas E. Henriques  
Administrative Judge

Anne Poindexter Lewis  
Administrative Judge.

